

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1242-AIR-E **TCEQ ID:** RN102246915, RN102295672, and RN102991882**CASE NO.:** 34346**RESPONDENT NAME:** Murphy Oil USA, Inc. dba Murphy Oil

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Murphy USA 5776, 1820 North Zaragoza Road, El Paso, El Paso County; Murphy USA 6704, 9431 Alameda Avenue, El Paso, El Paso County; and Murphy USA 6879, 11701 Pebble Hills Boulevard, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Fuel dispensing stations</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Brad Weinischke, Environmental Compliance Manager, Murphy Oil USA, Inc., P.O. Box 7000, El Dorado, Arkansas 71731 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 2, June 7, and June 10, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 10, July 11, and July 20, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1st - September 16th. Specifically, a sample was taken of regular, mid-grade, and premium gasoline dispensed from Pump Number Twelve of Murphy USA 5776. These samples were documented to have an RVP of 8.22 psia, 7.90 psia, and 7.31 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the maximum 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6704. These samples were documented to have an RVP of 7.6 psia and 7.3 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6879. These samples were documented to have an RVP of 8.3 psia and 7.6 psia,</p>	<p>Total Assessed: \$7,520</p> <p>Total Deferred: \$1,504 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,016</p> <p>RN102295672 and RN102991882</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN102246915</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st - September 16th of each year shall not exceed 7.0 psia at Station Nos. 5776, 6704, and 6879; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s).: EE2474D and EE2177M



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	10-Jul-2007	Screening	25-Jul-2007	EPA Due	
	PCW	25-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Murphy Oil USA, Inc. dba Murphy Oil	Murphy USA 6879
Reg. Ent. Ref. No.	RN102991882	
Facility/Site Region	6-El Paso	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	34346	No. of Violations	1
Docket No.	2007-1242-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Enhancement Subtotals 2, 3, & 7 Notes Culpability EnhancementSubtotal 4 Notes Good Faith Effort to Comply ReductionSubtotal 5

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Total EB Amounts	<input type="text" value="\$4"/>
Approx. Cost of Compliance	<input type="text" value="\$100"/>

0% Enhancement*
*Capped at the Total EB \$ AmountSubtotal 6

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

 ReductionAdjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 25-Jul-2007

Docket No. 2007-1242-AIR-E

PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Policy Revision 2 (September 2002)

Case ID No. 34346

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102991882

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhanced due to one previous nonsimilar NOV and one 1660 agreed order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 25-Jul-2007		Docket No. 2007-1242-AIR-E		PCW	
Respondent Murphy Oil USA, Inc. dba Murphy Oil				<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34346				<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102991882					
Media [Statute] Air					
Enf. Coordinator James Nolan					
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)</div>			
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1st - September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three. These samples were documented to have an RVP of 8.3 psia and 7.6 psia, respectively, during an inspection conducted on June 10, 2007.</div>			
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$10,000</div>

>> Environmental, Property and Human Health Matrix

	Release	Harm	Major	Moderate	Minor	
OR	Actual				x	
	Potential					
					Percent	<div style="border: 1px solid black; padding: 2px; text-align: center;">10%</div>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	<div style="border: 1px solid black; padding: 2px; text-align: center;">0%</div>

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

\$9,000

\$1,000

Violation Events

Number of Violation Events	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>		Number of violation days	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>
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	daily	monthly	quarterly	semiannual	annual	single event	
<small>mark only one with an x</small>							
						x	

Violation Base Penalty

\$2,000

Two single events are recommended based on the violation of two grades of gasoline at Pump Number Three.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
<div style="border: 1px solid black; padding: 2px; text-align: center;">\$4</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$2,440</div>
This violation Final Assessed Penalty (adjusted for limits)	
<div style="border: 1px solid black; padding: 2px; text-align: center;">\$2,440</div>	

Economic Benefit Worksheet**Respondent** Murphy Oil USA, Inc. dba Murphy Oil

Murphy USA 6879

Case ID No. 34346**Reg. Ent. Reference No.** RN102991882**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	10-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required RVP is maintained. The Date Required is the date of investigation. The Final Date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN601187875	Murphy Oil USA, Inc.	Classification: AVERAGE	Rating: 2.49
Regulated Entity:	RN102991882	MURPHY USA 6879	Classification: AVERAGE	Site Rating: 7.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	75575
Location:	11701 PEBBLE HILLS BLVD, EL PASO, TX, 79936		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	July 25, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 25, 2002 to July 25, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History .

Name: J. Nolan Phone: 512-239-6634

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 08/29/2005 ADMINORDER 2004-0529-PST-E

Classification: Moderate

Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Offered for sale gasoline for use as a motor vehicle fuel in El Paso County with a oxygen content lower than 2.7% by weight, in violation of 30 Tex. Admin. Code ? 114.100(a) and Tex. Health & Safety Code ? 382.085(b).

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
 30 TAC Chapter 205, SubChapter A 205.6

Description: Failed to pay annual general permits stormwater (GPS) fees for Financial Administration Account Nos. 20006079, 20006081, 20007577, 20008569, in violation of 30 Tex. Admin. Code ? 205.6 and Tex. Water Code ? 5.702.
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 08/12/2003 | (149295) |
| 2 | 10/27/2003 | (248584) |
| 3 | 03/19/2004 | (261856) |
| 4 | 08/12/2004 | (285323) |
| 5 | 11/29/2004 | (342479) |
| 6 | 08/19/2005 | (393502) |
| 7 | 08/27/2005 | (407315) |
| 8 | 07/18/2006 | (484614) |
| 9 | 11/02/2006 | (516676) |
| 10 | 07/06/2007 | (565830) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 08/22/2005 (393502)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to conduct testing of the stage II equipment at least once every twelve months.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned
PCW10-Jul-2007
25-Jul-2007

Screening

25-Jul-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent

Murphy USA 6704

Reg. Ent. Ref. No.

RN102295672

Facility/Site Region

6-El Paso

Major/Minor Source

Minor

CASE INFORMATION

Enf./Case ID No.

34346

Docket No.

2007-1242-AIR-E

Media Program(s)

Air

Multi-Media

No. of Violations

1

Order Type

1660

Enf. Coordinator

James Nolan

EC's Team

EnforcementTeam 4

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

4% Enhancement

Subtotals 2, 3, & 7

\$80

Notes

Penalty enhanced due to two previous nonsimilar NOV's.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts

\$4

Approx. Cost of Compliance

\$100

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$2,080

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment

\$0

Notes

Final Penalty Amount

\$2,080

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$2,080

DEFERRAL

20%

Reduction

Adjustment

-\$416

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,664

Screening Date 25-Jul-2007

Docket No. 2007-1242-AIR-E

PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Policy Revision 2 (September 2002)

Case ID No. 34346

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102295672

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhanced due to two previous nonsimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 25-Jul-2007		Docket No. 2007-1242-AIR-E		PCW	
Respondent Murphy Oil USA, Inc. dba Murphy Oil		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34346		<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102295672					
Media [Statute] Air					
Enf. Coordinator James Nolan					
Violation Number		<input type="text" value="1"/>			
Rule Cite(s)		30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1st - September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three. These samples were documented to have an RVP of 7.6 psia and 7.3 psia, respectively, during an inspection conducted on June 7, 2007.			
Base Penalty					<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0%"/>

Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.
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Adjustment

Violation Events

Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="1"/>
-----------------------------------	--------------------------------	---------------------------------	--------------------------------

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Two single events are recommended based on the violation of two grades of gasoline at Pump Number Three.

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$2,080"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,080"/>	

Economic Benefit Worksheet**Respondent** Murphy Oil USA, Inc. dba Murphy Oil

Murphy USA-6704

Case ID No. 34346**Reg. Ent. Reference No.** RN102295672**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	7-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required RVP is maintained. The Date Required is the date of investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN601187875	Murphy Oil USA, Inc.	Classification: AVERAGE	Rating: 2.49
Regulated Entity:	RN102295672	MURPHY USA 6704	Classification: AVERAGE	Site Rating: 0.33
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION ACCOUNT NUMBER	74444 EE2474D	
Location:	9431 ALAMEDA AVE, EL PASO, TX, 79907	Rating Date: 9/1/2006	Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	July 25, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 25, 2002 to July 25, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. Nolan Phone: 512-239-6634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 08/10/2002 | (3525) |
| 2 | 11/06/2002 | (15100) |
| 3 | 11/15/2002 | (15004) |
| 4 | 10/01/2003 | (249599) |
| 5 | 07/16/2004 | (277746) |
| 6 | 08/25/2005 | (393503) |
| 7 | 08/26/2005 | (406882) |
| 8 | 07/18/2006 | (486071) |
| 9 | 07/20/2006 | (435466) |
| 10 | 07/20/2006 | (435245) |
| 11 | 08/14/2006 | (488121) |
| 12 | 11/28/2006 | (531549) |
| 13 | 07/10/2007 | (565694) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/26/2005 (393503)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain the Stage II Vapor recovery system in proper operating condition.

Date: 08/29/2005 (406882)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.245(6)

Description: Failure to submit the test results of all tests performed within 10 working days of completion of test required.

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
- N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned

10-Jul-2007

PCW

25-Jul-2007

Screening

25-Jul-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent

Murphy Oil USA, Inc. dba Murphy Oil

Murphy USA 5776

Reg. Ent. Ref. No.

RN102246915

Facility/Site Region

6-El Paso

Major/Minor Source

Minor

CASE INFORMATION

Enf./Case ID No.

34346

No. of Violations

1

Docket No.

2007-1242-AIR-E

Order Type

1660

Media Program(s)

Air

Enf. Coordinator

James Nolan

Multi-Media

EC's Team

EnforcementTeam 4

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

0% Enhancement

Subtotals 2, 3, & 7

\$0

Notes

There are no applicable penalty enhancements.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts

\$4

Approx. Cost of Compliance

\$100

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$3,000

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment

\$0

Notes

Final Penalty Amount

\$3,000

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$3,000

DEFERRAL

20%

Reduction

Adjustment

-\$600

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$2,400

Screening Date 25-Jul-2007

Docket No. 2007-1242-AIR-E

PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Policy Revision 2 (September 2002)

Case ID No. 34346

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102246915

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

There are no applicable penalty enhancements.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 25-Jul-2007 Respondent Murphy Oil USA, Inc. dba Murphy Oil Case ID No. 34346 Reg. Ent. Reference No. RN102246915 Media [Statute] Air Enf. Coordinator James Nolan Violation Number <input type="text" value="1"/>	Docket No. 2007-1242-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																									
Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>																										
Violation Description <input ("rvp")="" -="" 16th.="" 1st="" 2,="" 2007."="" 7.31="" 7.90="" 8.22="" an="" and="" conducted="" control="" dispensed="" documented="" during="" from="" gasoline="" have="" inspection="" june="" mid-grade,="" number="" of="" on="" period="" premium="" pressure="" psia")="" psia,="" pump="" regular,="" reid="" requirements="" respectively,="" rvp="" samples="" september="" specifically,="" taken="" the="" to="" twelve="" type="text" value="Failed to comply with the maximum 7.0 pounds per square inch absolute (" vapor="" were=""/>																										
Base Penalty <input type="text" value="\$10,000"/>																										
>> Environmental, Property and Human Health Matrix																										
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 25%;">Major</th> <th style="width: 25%;">Moderate</th> <th style="width: 25%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text" value="x"/></td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td colspan="4"></td> <td> Percent <input type="text" value="10%"/> </td> </tr> </tbody> </table>		Major	Moderate	Minor		Release					Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>						Percent <input type="text" value="10%"/>
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>> Programmatic Matrix																										
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Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
				Percent <input type="text" value="0%"/>																						
Matrix Notes	<input type="text" value="Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>																									
Adjustment <input type="text" value="\$9,000"/>																										
<input type="text" value="\$1,000"/>																										
Violation Events																										
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input type="text" value="3"/> </td> <td style="width: 20%; text-align: center;"> <input type="text" value="1"/> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events <input type="text" value="3"/>	<input type="text" value="1"/>	Number of violation days																						
Number of Violation Events <input type="text" value="3"/>	<input type="text" value="1"/>	Number of violation days																								
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Violation Base Penalty <input type="text" value="\$3,000"/>																										
<input type="text" value="Three single events are recommended based on the violation of three grades of gasoline at Pump Number Twelve."/>																										
Economic Benefit (EB) for this violation																										
<table style="width: 100%;"> <tr> <td style="width: 50%;"> Estimated EB Amount <input type="text" value="\$4"/> </td> <td style="width: 50%;"> Statutory Limit Test </td> </tr> </table>		Estimated EB Amount <input type="text" value="\$4"/>	Statutory Limit Test																							
Estimated EB Amount <input type="text" value="\$4"/>	Statutory Limit Test																									
Violation Final Penalty Total <input type="text" value="\$3,000"/>																										
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,000"/>																										

Economic Benefit Worksheet**Respondent** Murphy Oil USA, Inc. dba Murphy Oil

Murphy USA 5776

Case ID No. 34346**Reg. Ent. Reference No.** RN102246915**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	2-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required RVP is maintained. The Date Required is the date of investigation. The Final Date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN601187875	Murphy Oil USA, Inc.	Classification: AVERAGE	Rating: 2.49
Regulated Entity:	RN102246915	MURPHY USA 5776	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION ACCOUNT NUMBER	72567 EE2177M	
Location:	1820 N ZARAGOZA RD, EL PASO, TX, 79936	Rating Date: September 01 06	Repeat Violator:	NO
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	July 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 26, 2002 to July 26, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. Nolan Phone: 5122396634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/15/2002	(2886)
2	11/06/2002	(15878)
3	11/07/2003	(249846)
4	06/30/2004	(276677)
5	07/17/2006	(487083)
6	11/13/2006	(519400)
7	07/16/2007	(567073)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MURPHY OIL USA, INC. DBA
MURPHY OIL
RN102246915; RN102295672;
RN102991882**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY
§**

AGREED ORDER DOCKET NO. 2007-1242-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Murphy Oil USA, Inc. dba Murphy Oil ("Murphy Oil") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Murphy Oil appear before the Commission and together stipulate that:

1. Murphy Oil owns and operates fuel dispensing stations at the following locations in El Paso, El Paso County, Texas (the "Stations"):
 - a. 1820 North Zaragoza Road (Murphy USA 5776);
 - b. 9431 Alameda Avenue (Murphy USA 6704); and
 - c. 11701 Pebble Hills Boulevard (Murphy USA 6879).
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Murphy Oil agree that the Commission has jurisdiction to enter this Agreed Order, and that Murphy Oil is subject to the Commission's jurisdiction.
4. Murphy Oil received notice of the violations alleged in Section II ("Allegations") on or about July 15, 2007, July 16, 2007, and July 25, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Murphy Oil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Five Hundred Twenty Dollars (\$7,520) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Murphy Oil has paid Six Thousand Sixteen Dollars (\$6,016) of the administrative penalty and One Thousand Five Hundred Four Dollars (\$1,504) is deferred contingent upon Murphy Oil's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Murphy Oil fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Murphy Oil to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Murphy Oil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Murphy Oil has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Stations, Murphy Oil is alleged to have:

1. Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1st - September 16th, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented in an investigation conducted on June 2, 2007. Specifically, a sample was taken of regular, mid-grade, and premium gasoline dispensed from Pump Number Twelve of Murphy USA 5776. These samples were documented to have an RVP of 8.22 psia, 7.90 psia, and 7.31 psia, respectively.
2. Failed to comply with the maximum 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented in an investigation conducted on June 7, 2007. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump

Number Three at Murphy USA 6704. These samples were documented to have an RVP of 7.6 psia and 7.3 psia.

3. Failed to comply with the 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2007. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6879. These samples were documented to have an RVP of 8.3 psia and 7.6 psia, respectively.

III. DENIALS

Murphy Oil generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Murphy Oil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Murphy Oil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Murphy Oil USA, Inc. dba Murphy Oil, Docket No. 2007-1242-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Murphy Oil shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at Station Nos. 5776, 6704, and 6879; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Murphy Oil. Murphy Oil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
4. If Murphy Oil fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Murphy Oil's failure to comply is not a violation of this Agreed Order. Murphy Oil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Murphy Oil shall notify the Executive Director within seven days after Murphy Oil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Murphy Oil shall be made in writing to the Executive Director. Extensions are not effective until Murphy Oil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Murphy Oil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Murphy Oil, or three days after the date on which the Commission mails notice of the Order to Murphy Oil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Murphy Oil USA, Inc. dba Murphy Oil
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Swelin
For the Executive Director

7/23/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Brad Weinischke
Signature

11/7/07
Date

Brad Weinischke
Name (Printed or typed)
Authorized Representative of
Murphy Oil USA, Inc. dba Murphy Oil

Environmental
Title Compliance
Manager

Instructions. Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order.

